

11 PAGES

PTO/SB/61 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) Aiken 5-11 (LCNT/122347)
First named inventor: Richard Thomas Aiken	Art Unit: 2681	
Application Number: 09/672,512	Examiner: David Q. Nguyen	
Filed: September 28, 2000		
Title: Shaping of an EM Field for Transmission to Multiple Terminals		
RECEIVED CENTRAL FAX CENTER FEB 21 2006		
<p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571)272-3282.</p>		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p>		
<p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay 		
<p>1. Petition fee</p> <p><input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>500</u> (37 CFR 1.17(l)).</p>		
<p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of</p> <p><u>Response Under 37 CFR 1.111</u> (identify the type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ _____</p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/23/2006 EFLORES 00000032 200782 09672512

01 FC:1453 1500.00 DA

PTO/SB/61 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee
 - Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
 - A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

Alternatively, if the Commissioner denies the Petition for Revival by reason of unavoidable delay, Applicants petition for revival of this application by reason of unintentional delay. The entire delay from the due date of the reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional. The Response to the Office Action mailed July 14, 2005 is enclosed. The Commissioner is authorized to charge counsel's Deposit Account No. 20-0782/LCNT/122347 for the Petition fee in the amount of \$1,500. The Commissioner is further authorized to charge counsel's Deposit Account 20-0782/LCNT/122347 for any other fees due to make this Petition timely and complete.

Signature

Date

Eamon J. Wall

Typed or printed name

39,414

Registration Number, if applicable

Patterson & Sheridan, LLP

Address

732 530-9404

Telephone Number

595 Shrewsbury Avenue, Shrewsbury, NJ 07702

Address

- Enclosures:
- Fee Payment
 - Reply
 - Terminal Disclaimer Form
 - Additional sheets containing statements establishing unavoidable delay
 - Please charge the fee of \$500 to Deposit Account No. 20-0782/LCNT/122347. Also, if necessary, charge any additional fee(s) or credit any underpayment of fee(s) to Deposit Account No. 20-0782/LCNT/122347.

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

Date

Signature

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

Eamon J. Wall
Reg. No. 39,4114

Date

Carol Wilson

Date

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

I, Carol Wilson, have been doing patent work for 18 years. I worked for the AT&T patent department from 1988-1998 exclusively in the area of filing patent applications and responses to Office Actions. I retired from AT&T and have been working for Patterson & Sheridan, LLP since 1998.

It is my sole and exclusive responsibility to see that all patent applications and responses to Office Actions assigned to me for processing are filed in due course. Patterson & Sheridan relies on my expertise in performing these acts.

Our fax machine is programmed for speed dialing. Procedurally, when a Response to an Office Action is to be filed, I simply press a button on the fax machine which automatically files the response with the PTO (see attached "Speed-Dial Numbers" listing of all numbers programmed into the fax machine). What I discovered on February 16, 2006 with respect to the Response to the Office Action mailed July 14, 2005, was that I had mistakenly pressed the wrong button on the fax machine. This sent the Response to the client instead of to the Patent Office.

I am attaching a copy of the facsimile transmittal (including my certificate of mailing or transmission in compliance with 37 CRF 1.8) which shows that the Response was mistakenly sent to the client (speed dial #5, phone #732-949-9069) instead of to the Patent Office (speed dial #2, phone # 571-273-8300). You will note that the fax was transmitted on September 30, 2005. The 3 month response date was October 14, 2005. The September 30, 2005 transmission was well in advance of the 3 month response date.

I checked the fax receipt (as I always do) in order to confirm receipt of the fax transmission. The receipt was clearly marked "Send Successful" meaning that the Response had been received (see attached copy of fax confirmation receipt). What I did not do, however, was confirm that the fax number to which it had been sent was the proper number. If I had checked the fax number, I would have discovered my error. Instead, I mistakenly assumed that the Response had been filed with the PTO in due course.

(Please attach additional sheets if additional space is needed.)

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(continued on Page 4 of 4).

439032_1

Aiken 5-11 (LCNT/122347)

Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR
1.137(a)

My error was discovered and called to my attention on February 16, 2006 by our Paralegal who periodically checks Private PAIR for status of applications.

In my 18 years I have never improperly filed a patent application or Response to an Office Action and request that our client's rights not be prejudiced by my error and that this Statement be accepted in support of our petition to revive the application.

Speed-Dial Numbers

- #1 Applied Materials (408-986-3090)
- ~~#2 PTO (571-273-8300)~~
- #3 Texas office (713-623-4846)
- #4 California office (650-330-2314)
- ~~#5 Lucent Docket (732-949-9069)~~
- #6 Lucent Case Name (732-949-6410)
- #7 Susan Curry (732-949-6424)
- #8 Sedna (267-765-7180)
- #9 Liberate (650-645-4001)
- #10 Agere (610-712-8544)
- #11 Tektronix (503-627-7119)
- #12 Sarnoff (609-514-4016)
- #13 Gale Rhodes - Florida (386-428-3209)
- #14 PTO New Assignments (~~703-306-5995~~)
- #15 PTO Assignment Corrections (703-308-7124)
- #16 PTO OIPE (Filing Receipt Corrections) (703-746-9195)
- #17 PTO Issue Fee Payment (~~703-746-4000~~)
- #18 PCT Help Desk
- #19 PCT Papers
- #20 PCT Response to Decisions
on Petitions

Effective July 1, 2005.

Moser IP Law Group
1040 Broad Street
Shrewsbury, NJ 07702

Confirmation Report - Memory Send

Page : 001
Date & Time: Sep-30-2005 02:19pm
Line 1 : +17325309808
Line 2 : +17325309808
E-mail :
Machine ID : Moser, Patterson & Sheridan, LLP - NJ

Job number : 549
Date : Sep-30 02:18pm
To : 7329499069
Number of pages : 005
Start time : Sep-30 02:18pm
End time : Sep-30 02:18pm
Pages sent : 005
Status : OK

Job number : 549

*** SEND SUCCESSFUL ***

DOCKETED
OCT 03 2005
S. J. [Signature]

5 Pages

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
PATENT APPLICATION

Applicant(s): Richard Thomas Aikin, et al.
Case: Aikin 5-11 (LCNT/122347)
Serial No.: 09/672,512 Filed: 9/28/2000
Examiner: Nguyen, David Q. Group Art Unit: 2681
Confirmation #: 2116
Title: SHAPING OF AN EM FIELD FOR TRANSMISSION TO MULTIPLE TERMINALS

RESPONSE UNDER 37 C.F.R. 1.111

CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that the correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO on the date indicated below.
9-30-05 Date
<i>S. J. [Signature]</i>

Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the non-final Office Action mailed July 14, 2005, please enter this response and reconsider the claims pending in the application for the reasons discussed below.

The Commissioner is authorized to charge any fees due, including extension of time and excess claim fees, to counsel's Deposit Account No. 20-0782/LCNT/122347.